

So Ordered.

Dated: July 13th, 2017



Frederick P. Corbit
Frederick P. Corbit
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

Kennewick Public Hospital District,
Debtor.

Case No. 17-02025-9

ORDER (A) DIRECTING AND
APPROVING FORM OF NOTICE,
(B) SETTING DEADLINE FOR
FILING OBJECTIONS TO
PETITION, AND (C) SETTING
DEADLINE FOR FILING LIST OF
CREDITORS

Upon the motion (the "Motion")¹ of Kennewick Public Hospital District, a Washington public hospital district (d/b/a Trios Health) (the "District" or "Trios") and the debtor in the above-captioned chapter 9 case (the "Chapter 9 Case"), for entry of an order, pursuant to sections 921, 923, and 924 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the "Bankruptcy Code"), rules

¹ Capitalized terms used but not otherwise defined herein shall have the meanings as ascribed in the Motion.

ORDER DIRECTING AND APPROVING
FORM OF NOTICE OF CASE
COMMENCEMENT AND SETTING
DEADLINES - 1

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1 1007, 2002(m), 3003(c)(3), 9007, and 9008 of the Federal Rules of Bankruptcy
2 Procedure (the “Bankruptcy Rules”), and rule 1007-2 of the Local Rules of the
3 United States Bankruptcy Court for the Eastern District of Washington (the “Local
4 Rules” or “LBR”), (a) approving form of notice, (b) setting a deadline for filing
5 objections to the Petition, (c) setting a deadline for filing the District’s list of
6 creditors, and (d) setting a deadline for filings proofs of claim; and upon the
7 Cudworth Declaration; and it appearing that this Court has jurisdiction over this
8 matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this
9 proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it
10 appearing that venue of this proceeding and the Motion in this Court is proper
11 pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the Motion appearing
12 adequate and appropriate under the circumstances; and the Court having found that
13 no other or further notice is needed or necessary; and the Court having reviewed
14 the Motion and the Cudworth Declaration and having heard statements in support
15 of the Motion at a hearing held before the Court (the “Hearing”); and the Court
16 having determined that the legal and factual bases set forth in the Motion and at the
17 Hearing establish just cause for the relief granted in this Order; and it appearing,
18 and the Court having found, that the relief requested in the Motion, to the extent
19 granted by this Order, is in the best interests of the District, its creditors, and other
20 parties in interest; and any objections to the relief requested in the Motion having
21 been withdrawn or overruled on the merits; and after due deliberation and
22 sufficient cause appearing therefor, it is hereby **ORDERED** that:

ORDER DIRECTING AND APPROVING
FORM OF NOTICE OF CASE
COMMENCEMENT AND SETTING
DEADLINES - 2

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1 1. The Motion is GRANTED to the extent set forth in this Order.

2 2. The form of notice more particularly described in the Motion and
3 attached to this Order as Schedule 1 (the “Notice”) is approved pursuant to section
4 923 of the Bankruptcy Code.

5 3. Garden City Group, LLC (“GCG” or the “Notice Agent”), the noticing
6 agent for this Chapter 9 Case, is directed to mail a copy of the Notice to the parties
7 identified on the District’s creditor matrix filed pursuant to Local Rule 1007-2(a)
8 (together with any current and former patients identified on any confidential list
9 maintained separately pursuant to any order of the Court, the “Creditor Matrix”)
10 within three (3) business days after entry of this Order.

11 4. The District shall file its list of creditors pursuant to section 924 of the
12 Bankruptcy Code (the “List of Creditors”) on or before July 21, 2017.

13 5. Starting within five (5) business days after the entry of this Order or
14 as soon as practicable thereafter, the District shall cause the Notice to be published
15 (a) in the *Tri-City Herald* once a week for three (3) consecutive weeks and (b) once
16 in *The Bond Buyer*, which will also post the Notice for thirty 30 days on its website
17 at <http://www.bondbuyer.com/>. In addition, in its discretion, the District may post
18 the Notice on the Electronic Municipal Market Access database at
19 www.emma.msrb.com. The District may modify the Notice to the extent necessary
20 or appropriate to conform the Notice to publication, and may reformat the Notice
21 to minimize the number of pages for service.

6. The service and publication of the Notice in accordance with this Order provides sufficient notice of the District's case and satisfies the requirements of section 923 of the Bankruptcy Code.

7. Any objections to the District's petition (the "Petition") must be filed with the Court by no later than July 28, 2017 (the "Eligibility Objection Deadline"). In the absence of any timely filed objections to the Petition, or in the event that such an objection is filed but subsequently overruled, the Notice shall be deemed notice of the Order for Relief pursuant to section 921(d) of the Bankruptcy Code.

8. The District is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

9. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, enforcement, or interpretation of this Order.

///END OF ORDER///

PRESENTED BY:
FOSTER PEPPER PLLC

By: */s/ Jack Cullen*

Jack Cullen, WSBA #7330
Bryan Glover, WSBA #51045
Andy Morton, WSBA #49467
Ella Vincent, WSBA #51351
*Attorneys for Debtor Kennewick
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ORDER DIRECTING AND APPROVING
FORM OF NOTICE OF CASE
COMMENCEMENT AND SETTING
DEADLINES - 4

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Schedule 1

Notices of Chapter 9 Case Commencement and Deadlines

NOTICES REGARDING CHAPTER 9
CASE COMMENCEMENT AND
DEADLINES

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

Kennewick Public Hospital District,

Debtor.

Case No. 17-02025-9

NOTICE OF COMMENCEMENT
OF CASE UNDER CHAPTER 9,
NOTICE OF AUTOMATIC STAY,
NOTICE OF DEADLINE FOR
FILING OBJECTIONS TO THE
PETITION, AND NOTICE OF
RELATED ORDERS

TO CREDITORS AND OTHER PARTIES IN INTEREST:

NOTICE IS HEREBY GIVEN THAT:

1. **Commencement of a Case Under Chapter 9.** Kennewick Public Hospital District, a Washington public hospital district (d/b/a Trios Health) (the “District” or “Trios”) filed its voluntary petition under chapter 9 of the United States Bankruptcy Code (the “Petition”) on June 30, 2017 (the “Petition Date”). The District is established in Benton County as a “public hospital district,” a form

NOTICES REGARDING CHAPTER 9
CASE COMMENCEMENT AND
DEADLINES - 1

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1 of municipal corporation authorized under Chapter 44 of Title 70 of the Revised
2 Code of Washington.

3 2. **Automatic Stay.** The filing of the Petition operates as a stay,
4 applicable to all entities, of, among other things, the commencement or
5 continuation, including the issuance or employment of process, of a judicial,
6 administrative, or other action against the District or against an officer or
7 inhabitant of the District that seeks to enforce a claim against the District, the
8 enforcement of a lien on or arising out of taxes or assessments owed by the
9 District, and certain other acts and proceedings against the District or its property
10 as provided in 11 U.S.C. §§ 362 and 922. The Court has entered an order (the
11 “Stay and Contract Protections Order”) containing additional information
12 confirming and detailing the protections of 11 U.S.C. §§ 362 and 922, regarding
13 the automatic stay, and the protections of 11 U.S.C. § 365, regarding the anti-
14 termination and anti-modification provisions applicable to executory contracts and
15 unexpired leases. Parties in interest are encouraged to consult with counsel and
16 review the Stay and Contract Protections Order by accessing (a) the website
17 maintained by Garden City Group, LLC (“GCG” or the “Notice Agent”) at
18 <http://cases.gardencitygroup.com/kphd/> or (b) PACER on the Court’s website at
19 <http://www.waeb.uscourts.gov/> for a nominal fee. Paper copies of all pleadings
20 filed in this Chapter 9 Case may be available from the Court.

21 3. **Deadline for Filing Objections to the Petition.** Objections to the
22 Petition may be filed by a creditor or party in interest by no later than July 28,

2017 (the “Eligibility Objection Deadline”). Any such objection shall state the facts and legal authorities relied on in support of such objection; and shall be filed with the Bankruptcy Court and served on the following parties by the Eligibility Objection Deadline: (a) the District at 900 South Auburn Street, P.O. Box 6128, Kennewick, WA 99336 (Attn: Tony Sudduth, Chief Financial Officer); and (b) counsel to the District at Foster Pepper PLLC, 1111 Third Avenue, Suite 3000, Seattle, WA 98101 (Attn: Jack Cullen). If a timely objection is filed and served, a hearing will be held on the objection upon notice to parties in interest of such hearing.

4. **Order for Relief.** If no objection to the Petition is timely filed, the filing of the Petition shall be deemed an Order for Relief under Chapter 9 and this notice shall be deemed notice of such Order for Relief.

5. **List of Creditors.** The District will file a list of creditors (the “List of Creditors”) pursuant to section 924 of the Bankruptcy Code on or before July 21, 2017.

DATED this ____ day of July, 2017.

FOSTER PEPPER PLLC

By: _____
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